

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 L-02 SCA-01 SCS-03 CPR-01 PPT-01

SY-04 SAJ-01 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05

PA-01 RSC-01 PRS-01 SP-02 SS-15 /072 W

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 7700

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

C O N F I D E N T I A L BONN 01843

E.O. 11652: GDS

TAGS: PGOV, PFOR, CONS, WB, GW, GE

SUBJECT: CONSULAR AGREEMENTS WITH GDR AND FRG--

GERMAN NATIONALITY QUESTION

REF: (A) STATE 21037; (B) USBER 187

1. ON JANUARY 30, EMBASSY OFFICER PASSED TO FRG FOREIGN OFFICE THE GENERAL STATEMENT TO WHICH THE DEPARTMENT CONSIDERED THAT PUBLIC RESPONSE IN THE FRG SHOULD BE LIMITED (PARA 5, REFTEL A). GIST OF PARAS 3 (A) TO (C) ALSO CONVEYED TO FOREIGN OFFICE REP. HE WAS EXTREMELY GRATEFUL FOR GENERAL STATEMENT, PARAS 5 (A) AND (B).

2. EMBASSY BELIEVES TERM "NATIONAL" OF THE GDR MAY BE PRIMARY PROBLEM FOR FRG REPS, IN VIEW OF ITS IMPLICATION THAT THERE IS ALSO GDR NATIONALITY, AND THE POSSIBILITY
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OF CONCURRENT JURISDICTION BY BOTH FRG AND GDR CONSULAR

REPS OVER GDR RESIDENT IN US WHO HAS SOUGHT FRG CONSULAR PROTECTION, AS INDICATED IN PARA 3 (D), REFTTEL A. IN VIEW OF USG INTEREST IN PROTECTION OF PERSONS ADMITTED INTO GDR AS US NATIONALS (EVEN IF GDR CONSIDERS THEM GDR CITIZENS) IT WOULD APPEAR IMPOSSIBLE TO DENY GDR CONSULS AT LEAST SUFFICIENT ACCESS TO GDR RESIDENT IN US WHO HAS SOUGHT FRG CONSULAR PROTECTION TO GIVE THEM CHANCE TO CONVINCE SELVES THAT THAT PERSON HAS DONE SO VOLUNTARILY, MUCH AS EE CONSULAR OFFICIALS GIVEN ACCESS TO THEIR NATIONALS IN US SEEKING "POLITICAL ASYLUM" TO ESTABLISH FOR RECORD THAT INDIVIDUAL IS DOING SO VOLUNTARILY AND NOT UNDER DURESS.

3. IN VIEW OF LIKELY FRG SENSITIVITY TO DUAL FRG-GDR NATIONALITY ASPECT, WE AGREE WITH CONCLUSIONS OF USBER IN REFTTEL B AND WONDER WHETHER THIS STEP TO ACCEPTANCE BY USG OF FRG ACCESS AND CONSULAR PROTECTION TO GDR RESIDENTS REQUESTING FRG PROTECTION CANNOT BE FUDGED OR SKIPPED, BY PERHAPS LIMITING OFFICIAL AND PUBLIC STATEMENTS TO USG RECOGNITION THAT FRG CONSULS HAVE JURISDICTION UNDER THE 1954 TREATY WITH RESPECT TO RESIDENTS OF THE GDR TRAVELLING WITH GDR DOCUMENTS SEEKING FRG PROTECTION.
HILLENBRAND

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